

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

PIERRE AUGUSTIN,

Plaintiff,

v.

CAPITAL ONE, CAPITAL ONE FINANCE,

Defendants.

Case No. 1:14-cv-00179-CBA-VMS

**NOTICE OF MOTION FOR  
JUDGMENT ON THE PLEADINGS**

To: Pierre Augustin  
110-01 34th Avenue  
Corona, New York 11368  
*Plaintiff Pro Se*

**PLEASE TAKE NOTICE** that on a date and time to be determined by the Court, defendants Capital One Bank (USA), N.A. and Capital One Auto Finance, a division of Capital One, N.A. (together, “Capital One”), by their counsel, Podvey, Meanor, Catenacci, Hildner, Cocoziello & Chattman, will move before the Honorable Carol Bagley Amon, Chief U.S.D.J., at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, pursuant to Fed. R. Civ. P. 12(c), for judgment on the pleadings in favor of Capital One (the “Motion”).

**PLEASE TAKE FURTHER NOTICE** that oral argument is requested.

**PLEASE TAKE FURTHER NOTICE** that, in support of its Motion, Capital One will rely upon the attached Memorandum of Law submitted herewith.

**PLEASE TAKE FURTHER NOTICE** that Plaintiff's opposition to the Motion, if any, shall be served on or before September 19, 2014, in accordance with the schedule directed by the Hon. Vera M. Scanlon, U.S.M.J.

**PODVEY, MEANOR, CATENACCI, HILDNER,  
COCOZIELLO & CHATTMAN, P.C.**

*/s/ Daniel Ginzburg*

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By: Michael F. Bevacqua, Jr.  
Daniel Ginzburg

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*Finance, a division of Capital One, N.A.*